

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14420 of 2016.
Decided on:-23.11.2016.

Jagtar Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. A.S. Barnala, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.53 dated 30.7.2013 under Sections 341, 323 and 324 read with Section 34 IPC registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 21.5.2015 (Annexure P-2).

This Court vide order dated October 06, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report along with statements of the parties qua validity or otherwise of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Additional Chief Judicial Magistrate, Barnala and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 11.11.2016 to the effect that the compromise is the result of free consent and the same is a valid one.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Happy Singh @ Gulab has been recorded by learned Magistrate on 10.11.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“The present FIR No.53 dated 30.07.2013 under Sections 326/325/323/341/34 of IPC was registered on my statement. Now, the relatives and friends of both the parties and Panchayat members of village our village Kot Dunna and have got the compromise effected between us. The compromise has been reduced into writing which on 21.05.2015 original of which has been presented before the Hon'ble High Court in CRM No.-M-14420 of 2016. We have seen the true photo-state copy of the compromise on which I identify signatures which is Ex.CX. This compromise has been effected with our free consent and without any pressure or undue influence from any quarter. I agree to the compromise dated 21.05.2015. This

compromise has been reached in between the parties, voluntarily and without any pressure. I have no objections FIR was present case is quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.53 dated 30.7.2013 under Sections 341, 323 and 324 read with Section 34 IPC registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise by way of affidavit dated 21.5.2015 (Annexure P-2) effected between the parties.

November 23, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No